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14 NETFLIX, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 LOUIS GUERRA, JR.,

16 Plaintiff,

17 v.

18 NETFLIX,

19 Defendant.  
20

Case No. C-07-3343 MJJ

**AMENDED JOINT CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

**[L.R. 16-9; 9/24/2007 Court Order]**

21 Initial Case Management Conference  
22 Date: 12/3/2007  
23 Time: 10:00 a.m.  
24 Ctrm: Courtroom 8, 4th Floor  
25 Location: USDC Northern - San Jose  
26 280 S. First Street  
27 San Jose, California  
28 Judge: U.S.D.C. Judge James Ware

Complaint filed: June 26, 2007

No Trial Date Set

Pursuant to the Court's March 1, 2007 Standing Order, and Civil Local Rule 16-9, the parties to the above titled action jointly submit the Case Management Statement.

**I. Jurisdiction and Service**

This court has jurisdiction over this matter under 28 U.S.C section 1331 on the grounds that Plaintiff's claim for relief arises under a law of the United States. All named parties have been served.

**II. Facts**

A. Plaintiff's Factual Summary - NETFLIX FAILED TO FOLLOW PROPER PROCEDURE!

\*\*\*\*\* I WAS HIRED TO DO A PERFECT JOB FOR MY DISABILITY BUT WAS TAKEN AWAY FROM ME IN A RUDE AND DISCRIMINATORY MANNER AND ITS ALL ON CAMERA, AND ALSO IF VOLT IS MY ACTUAL EMPLOYER THAN NETFLIX SHOULD HAVE CALLED VOLT TO FIRE ME INSTEAD OF TELLING ME TO GO HOME! FIRE

B. Defendant's Factual Summary

Plaintiff worked at Netflix's Sunnyvale location for two days as a temporary employee. He was asked not to return because his performance did not satisfy Netflix's production standards. Defendant treated Plaintiff the same as any other temporary employee. Defendant denies that it discriminated against Plaintiff, or harassed him, based on his race or color, national origin, or disability. Defendant's actions were at all times lawful and justified. Defendant denies it has any liability to Plaintiff, and disputes Plaintiff's claims for damages.

**III. Legal Issues**

A. Plaintiff's Summary - I HAVE THE ENVELOPE DATED 3/27/07 FROM EEOC

\*\*\*\*\* WAS STARED AT, HARASSED, EMBARRASSED, AND TERMINATED IN A DISCRIMINATORY MANNER!!

NETFLIX SHOULD HAVE CALLED VOLT SERVICES TO CALL ME AND TELL ME NETFLIX DOESNT NEED ME NO MORE! BUT NO THEY TOLD ME GO HOME!

B. Defendant's Summary

Whether Plaintiff can establish that he satisfied all administrative prerequisites applicable to his claim(s) for relief;

- 1 - Whether Plaintiff can establish a prima facie case of disability discrimination
- 2 under the Americans with Disabilities Act;
- 3 - Assuming *arguendo* Plaintiff somehow could establish a prima facie case of
- 4 disability discrimination under the ADA, whether NETFLIX can articulate a legitimate, non-
- 5 discriminatory reason for the ending of his temporary position on or about February 13, 2007;
- 6 - Whether Plaintiff has sufficient evidence to overcome Defendant's legitimate
- 7 reason for the ending of his temporary position, to prove pretext under the ADA;
- 8 - Whether Plaintiff can establish a prima facie case of national origin discrimination
- 9 under Title VII;
- 10 - Assuming *arguendo* Plaintiff somehow could establish a prima facie case of
- 11 national origin discrimination under Title VII, whether NETFLIX can articulate a legitimate, non-
- 12 discriminatory reason for the ending of Plaintiff's temporary position on or about February 13,
- 13 2007;
- 14 - Whether Plaintiff has sufficient evidence to overcome Defendant's legitimate
- 15 reason, to prove pretext under Title VII;
- 16 - Whether Plaintiff can establish a prima facie case of color or race discrimination
- 17 under Title VII;
- 18 - Assuming *arguendo* Plaintiff somehow could establish a prima facie case of color
- 19 or race discrimination under Title VII, whether NETFLIX can articulate a legitimate, non-
- 20 discriminatory reason for the ending of Plaintiff's temporary position on or about February 13,
- 21 2007;
- 22 - Whether Plaintiff has sufficient evidence to overcome Defendant's legitimate
- 23 reason, to prove pretext under Title VII;
- 24 - Causation of Plaintiff's alleged damages;
- 25 - The amount of Plaintiff's damages, if any;
- 26 - Assuming liability for discrimination, whether punitive damages should be
- 27 assessed against Defendant; and
- 28 - Whether Defendant has sufficient facts to support its alleged affirmative defenses.

IV. Motions

Plaintiff's Position

WHY DIDNT NETFLIX CALL VOLT FIRST  
BEFORE THEY RUDELY GOT RID OF ME!

\*\*\*\*\* ~~THEY DID NOT CALL ME FIRST~~ I HAVE WITNESS  
WHO WILL TESTIFY OR WRITE LETTER STATING RUDE AND  
UNFAIR TREATMENT AND WHEN HE RECEIVED HIS FOB KEY.

Defendant's Position

NETFLIX FIRED ME SO SUDDENLY SO THEY  
COULD PASS OUT FOB KEYS TO THE NEW EMPLOYEES  
Defendant plans to file a motion for summary judgment or partial summary judgment. EMPLOYEES  
THEY  
WANTED  
TO  
KEEP!

V. Amendment of Pleadings

None planned.

VI. Evidence Preservation

Defendant has within its possession hard copies of what it believes are relevant  
documents. VI. PLAINTIFF HAS COPIES OF "RIGHT TO SUE LETTER" AND ENVELOPE  
IT CAME IN DATED 3/27/07

VII. Disclosures

I HAVE VOLT PAMPHLET STATING I SHOULD HAVE RECEIVED A FOB KEY!  
Defendant intends to simultaneously exchange its initial disclosure by mail to Plaintiff on

September 25, 2007.

VIII. Discovery

Plaintiff's Position

DO NOT ASK FOR FOB KEY TO ME

NORMAL NETFLIX  
PROCEDURE IS TO  
GIVE THEM OUT BY  
ZED ONLY ON JOB

\*\*\*\*\*

~~THEY DID NOT CALL ME FIRST~~

~~SHOULD HAVE RECEIVED A FOB KEY~~

+ IS IT NORMAL PROCEDURE TO TELL SOMEONE

Defendant's Position

RUDELY TO GO HOME AFTER THEYVE DRIVE ALL THE  
WAY TO WORK AND WASTED GAS!

Given the parties' agreement to participate in an early settlement conference, Defendant  
proposes that all discovery with the exception of parties' simultaneous initial disclosures be  
suspended until after the early settlement conference.

If this matter does not resolve at or before the early settlement conference, Defendant  
intends to propound standard discovery. As discovery is just beginning, the number of necessary

depositions is unknown. However, Defendant anticipates at this time that the number of depositions will be within the presumptive limit.

Except as stated above, Defendant does not propose any change to the timing, form or scope of discovery at this time.

The parties participated in a Rule 26(f) conference on September 10, 2007.

**IX. Class Actions**

None.

**X. Related Cases**

None.

**XI. Relief**

Plaintiff's Position

\*\*\*\*\* ON MY CIVIL COVER SHEET I DID NOT STATE AN AMOUNT BECAUSE I THOUGHT I WAS RECEIVING COUNSEL THROUGH U.S. DISTRICT COURT, BUT I WAS DENIED HELP! I BELIEVE I DESERVE SOMETHING LIKE \$ 75,000 FOR WRONGFUL TERMINATION AND DISCRIMINATION.  
Defendant's Position  
Defendant contends that its actions were at all times justified and lawful. Defendant

denies it has acted wrongly or unlawfully in any way and further denies any and all claims for damages.

**XII. Settlement and ADR**

\* TELLING ME TO GO HOME OVER AND OVER LIKE I'M SOME LITTLE KID AND NOT TELLING ME WHY IS VERY RUDE AND NOT JUSTIFIED AND LAWFUL  
The parties have met and conferred on ADR, and have agreed to participate in an early settlement conference. Accordingly, the parties request an ADR phone call in order to schedule an early settlement conference.

**XIII. Consent to Magistrate Judge For All Purposes**

The parties do not consent to a magistrate judge for all purposes.

**XIV. Other Referees**

The case is not suitable for non-binding arbitration, a special master or the Judicial Panel on Multidistrict Litigation.

**XV. Narrowing of Issues**

1 None at this time.

2 **XVI. Expedited Schedule**

3 The case is not suitable for expedited procedures.

4 **XVII. Scheduling**

5 Plaintiff's Position

6 \*\*\*\*\* *NO OPPOSITION TO SCHEDULING*

8 Defendant's Position

9 Defendant proposes that sufficient time be permitted for the parties to engage in ADR,  
10 discovery and dispositive motions, before trial. Defendant proposes the following schedule:

- |   |               |
|---|---------------|
| 11 a. Discovery cut-off:                  | February 2008 |
| 12 b. Dispositive motion hearing cut off: | April 2008    |
| 13 c. Pretrial Conference:                | April 2008    |
| 14 d. Trial:                              | June 2008     |

15 **XVIII. Trial**

16 Plaintiff's position: \*\*\*\*\* *NO OPPOSITION TO THIS PART*

18 Defendant anticipates trial will take 1 day.

19 **XIX. Disclosure of Non-party Interested Entities or Persons**

20 NETFLIX, INC. states that the following non-party may have an interest in the outcome:  
21 Volt Information Sciences, Inc.  
Corporate Headquarters  
22 560 Lexington Avenue, 15th Floor  
New York, NY 10022

23  
24 (Volt Information Sciences, Inc. is a temporary staffing agency who was Plaintiff's  
25 actual employer.)  
26  
27  
28

1 Dated: September ~~25~~, 2007

2  
3 By: Louis Guerra, Jr.  
4 *Plaintiff Pro Se*

5 Dated: ~~September~~ November 20, 2007

6 Respectfully Submitted.  
7 JACKSON LEWIS LLP

8  
9 By: / s/  
10 Bradley W. Kampas  
11 Cara Ching-Senaha  
12 *Attorneys for Defendant*  
13 NETFLIX, INC.

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**CERTIFICATE OF SERVICE**

Case Name: Guerra v. Netflix.  
Case No.: USDC-ND; CV07-3343 MJJ

I, Cheryl K. Baltru, declare that I am employed with the law firm of Jackson Lewis LLP, whose address is 199 Fremont Street, 10th Floor, San Francisco, California 94105; I am over the age of eighteen (18) years and am not a party to this action.

On November 26, 2007, I served the attached **AMENDED JOINT CASE MANAGEMENT CONFERENCE STATEMENT** in this action by placing a true and correct copy thereof, enclosed in sealed envelopes addressed as follows:

Louis Guerra, Jr.  
1533 Foxdale Court  
San Jose, CA 95122

*Plaintiff Pro Se*

☒ **BY MAIL:** United States Postal Service by placing sealed envelopes with the postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.

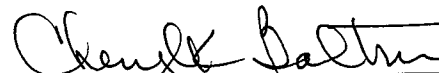
☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the above address.

☐ **BY OVERNIGHT DELIVERY:** I caused such envelope(s) to be delivered to the above address within 24 hours by overnight delivery service.

☐ **BY FACSIMILE:** I caused such document to be transmitted by facsimile from our fax number (415) 394-9401 to the fax number indicated above (by written agreement, confirming letter dated and signed MM/DD/YY).

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 26, 2007, at San Francisco, California.

  
Cheryl K. Baltru